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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,886	06/26/2001	Pingnan Shi	78508 (36-115 US)	2419
27975 7590 10/01/2008 ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791				
EXAMINER SHEPARD, JUSTIN E				
ART UNIT 2623		PAPER NUMBER		
NOTIFICATION DATE 10/01/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[creganoa@addmg.com](mailto:creganoa@addmg.com)

## Office Action Summary

**Application No.**

09/891,886

**Applicant(s)**

SHI ET AL.

**Examiner**

Justin E. Shepard

**Art Unit**

2623

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-10 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-10 and 12-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/02)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments filed 6/27/08 have been fully considered but they are not persuasive.

Page 10, section f):

The claim has not been amended as stated in the remarks.

Page 12, last paragraph:

The applicant argues that Kitamura teaches a device for controlling the tuning range of the electronic tuner, and not selecting a different circuit for different TV standards. Looking at Kitamura (column 3, line 44 to column 4, line 3), this section discloses that by controlling the switches, two distinct circuits are selected for tuning to either a American or European cable systems.

Page 13, paragraph beginning with "Furthermore":

The applicant argues that Kitamura teaches a television, and not a test meter as claimed. As has been stated in a previous action, a television is interpreted as a simple test meter; as if the reception of the television could be used to determine if there was a transmission problem with the signal.

Page 13, paragraph beginning with "Liu does":

The applicant argues that Liu does not disclose a system for handling signals of

different CATV standards. Liu (column 5, lines 3-10) teaches that the device is capable of decoding ATSC A/53 and ITU T J.83 Annex A/B/C coding formats, which are taught as including both USA and European cable standards (column 1, lines 51-64).

Page 14, paragraph beginning with "Liu notes":

The applicant argues that Liu does not teach a system with multiple circuits for handling the bandwidths of different standards. Kitamura (column 3, line 44 to column 4, line 3) discloses this limitation, and Liu is used to teach a system for handling multiple digital standards.

Page 14, paragraph beginning with "None":

The applicant argues that Liu does not teach a controller for analyzing parameters of the demodulated signal and a user interface operative to receive an analysis output. Both of these limitations are found in Ozkan, as stated in the previous office action.

Page 14, paragraph beginning with "The disclosed":

The applicant argues that Ozkan does not teach a device with a bandwidth selector module with at least two signal conditioning circuits. As Ozkan is not used to reject these limitations, the arguments are moot.

Also the applicant argues that Ozkan does not teach a user interface operative to receive an analysis output, although it does teach this at column 5, line 54 to column 6, line 15.

Page 14, last paragraph:

The applicant argues that Ozkan does not pass the FEC readings to a user interface. As Ozkan teaches indicating a FEC lock error with a light displayed to the user (column 7, line 66 to column 8, line 6), which is interpreted as passing a reading to a user interface.

Page 15, last paragraph:

The applicant argues that Liu does not teach two conditioning circuits for handling signals of different digital CATV standards. Kitamura discloses a system with multiple circuits for handling USA and European CATV standards. Liu is used to teach a system capable of handling both USA and European digital CATV standards as stated above.

Page 16, paragraph beginning with "Stockill":

The applicant argues that Stockill does not explicitly decode digital CATV data, but instead teletext data that it can not be used as analogous art. As Stockill is used to teach selecting either the USA or European bandwidths, and you would need to decode

(and filter the bandwidths containing the data) the television data as the teletext data is encoded in the video stream, this is considered analogous art.

Page 17, last paragraph:

Claim 3 does not contain the limitations being argued in this section.

Page 18, paragraph beginning with "Since":

The applicant argues that Liu does not teach two SAW filters. Kitamura discloses a device with multiple circuits for tuning to multiple standards; the examiner is using the types of SAW filters taught by Liu as applying to each circuit disclosed by Kitamura.

Page 18, last paragraph:

The applicant argues that each standard taught by Liu does not have its own circuit. Kitamura discloses a device with multiple circuits for tuning to multiple standards; the examiner is using the types of SAW filters taught by Liu as applying to each circuit disclosed by Kitamura.

Page 20, paragraph beginning with "Furthermore":

The applicant argues that Hessel does not teach multiple conditioning circuits. Kitamura is being used to disclose this limitation.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura in view of Liu in view of Ozkan.

Referring to claim 1, Kitamura discloses a test meter for a digital signal distribution system comprising:

a front end for acquiring a signal carried by the signal distribution system (column 1, lines 37-48; Note: a television is interpreted as being a simple test meter as a user will be able to determine the signal strength by observing the television output);

a bandwidth selection module (column 3, lines 28-31) having a plurality of signal conditioning circuits (figure 1), each signal conditioning circuit corresponding to a different CATV standard in a plurality of CATV standards (column 2, lines 19-21), the signal conditioning circuits being in communication with said front end so as to receive the acquired signal and operative to output a channel signal by applying the acquired signal to the signal conditioning circuit that corresponds to the CATV standard for the acquired signal (column 2, lines 21-25);

a controller for analyzing at least one parameter of the signal to produce an analysis output (column 1, lines 37-48; Note: the video output is being interpreted as parameter to analyze);

a user interface operative to allow a user to select the CATV standard signal (column 2, lines 19-21).

Kitamura does not disclose a test meter wherein the CATV signals are digital; and with a digital modulation decoder in communication with bandwidth selector and operative to select one demodulation scheme from a plurality of digital demodulation schemes to obtain a demodulated signal from the digital channel signal after signal conditioning;

analysis including at least one of message error rate MER, I/O data constellation, equalizer tap values and forward error correction FEC readings; and to receive analysis output containing at least one of video information, audio information, a composite bitstream, closed captioning information and ratings information for display to a user.

In an analogous art, Liu teaches a test meter wherein the CATV signals are digital (column 1, line 67; column 2, lines 1-8); and with a digital modulation decoder in communication with bandwidth selector and operative to select one demodulation scheme from a plurality of digital demodulation schemes to obtain a demodulated signal from the digital channel signal after signal conditioning (column 5, lines 3-7).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the digital receiving means taught by Liu to the television receiver disclosed by Kitamura. The motivation would have been to create a television capable of being sold in the both the United States and Europe that could receive digital television signals (Liu: column 1, lines 65-67; column 2, lines 1-3).

Kitamura and Liu do not disclose a test meter with analysis including at least one of message error rate MER, I/O data constellation, equalizer tap values and forward error correction FEC readings; and to receive analysis output containing at least one of video information, audio information, a composite bitstream, closed captioning information and ratings information for display to a user.

In an analogous art, Ozkan teaches a test meter with analysis including at least one of message error rate MER, I/O data constellation, equalizer tap values and forward error correction FEC readings; and to receive analysis output containing at least one of video information, audio information, a composite bitstream, closed captioning information and ratings information for display to a user (column 3, lines 7-10; column 4, lines 32-36; column 6, lines 7-15; column 7, lines 21-26; column 7, line 66 to column 8, line 6).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the FEC error signal taught by Ozkan to the system disclosed by Kitamura and Liu. The motivation would have been to enable the user to identify the issue with their television signal as to enable the user to better communicate the issue to the cable company, enabling the company to fix the issue more efficiently.

Referring to claim 2, Kitamura does not disclose a test meter of claim 1, wherein the plurality of digital CATV standards comprise ITU-T J.83 Annex A, Annex B, and Annex C and the plurality of digital demodulation decoding schemes comprise QAM and QAM variants.

Liu discloses a test meter of claim 1, wherein the plurality of digital CATV standards comprise ITU-T J.83 Annex A, Annex B, and Annex C (column 5, lines 9-10) and the plurality of digital demodulation decoding schemes comprise QAM and QAM variants (column 5, lines 3-7).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the digital receiving means taught by Liu to the television receiver disclosed by Kitamura. The motivation would have been to create a television capable of being sold in the both the United States and Europe that could receive digital television signals (Liu: column 1, lines 65-67; column 2, lines 1-3).

Referring to claim 6, Kitamura discloses a test meter of Claim 1, wherein the user interface is operative to allow a user to select one channel signal (column 2, lines 24-25).

Kitamura does not disclose a test meter wherein the CATV signals are digital.

Liu discloses a test meter wherein the CATV signals are digital (column 1, line 67; column 2, lines 1-8).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the digital receiving means taught by Liu to the television receiver disclosed by Kitamura. The motivation would have been to create a television capable of being sold in the both the United States and Europe that could receive digital television signals (Liu: column 1, lines 65-67; column 2, lines 1-3).

2. Claims 3, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura in view of Liu as applied to claim 1 above, and further in view of Stockill.

Referring to claim 3, Kitamura does not disclose a test meter of Claim 1, wherein said plurality of signal conditioning circuits comprises a first filter that filters the acquired digital signal in accordance with a first digital CATV standard and a second filter that filters the acquired digital signal in accordance with a second digital CATV standard.

Liu discloses a test meter wherein the CATV signals are digital (column 1, line 67; column 2, lines 1-8).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the digital receiving means taught by Liu to the television receiver disclosed by Kitamura. The motivation would have been to create a television capable of being sold in the both the United States and Europe that could receive digital television signals (Liu: column 1, lines 65-67; column 2, lines 1-3).

Kitamura and Liu do not disclose a test meter of Claim 1, wherein said plurality of signal conditioning circuits comprises a first filter that filters the acquired signal in accordance with a first CATV standard and a second filter that filters the acquired signal in accordance with a second CATV standard.

Stockill discloses a test meter of Claim 1, wherein said plurality of signal conditioning circuits comprises a first filter that filters the acquired signal in accordance with a first CATV standard and a second filter that filters the acquired signal in accordance with a second CATV standard (column 4, lines 3-13).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the parallel filtering taught by Stockill to the system disclosed by Kitamura and Liu. The motivation would have been to enable the system to only need one demodulator by utilizing parallel filters.

Referring to claim 4, Kitamura does not disclose a test meter of Claim 3, wherein said first filter comprises a SAW filter operative to filter a first bandwidth according to the first digital CATV standard, and said second filter comprises a SAW filter operative to filter a second bandwidth according to the second digital CATV standard.

Liu discloses a test meter of Claim 3, wherein said first filter comprises a SAW filter operative to filter a first bandwidth according to the first digital CATV standard, and said second filter comprises a SAW filter operative to filter a second bandwidth according to the second digital CATV standard (column 5, lines 39-42).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the SAW filter taught by Liu in the system disclosed above. The motivation would have been to limit out-of band signal energy (Liu: column 5, lines 41-42).

Referring to claim 5, Kitamura does not disclose a test meter of Claim 4, wherein said first digital CATV standard comprises ITU-T J.83 Annex A and said second digital CATV standard comprises ITU-T J.83 Annex B.

Liu discloses a test meter of Claim 4, wherein said first digital CATV standard comprises ITU-T J.83 Annex A and said second digital CATV standard comprises ITU-T J.83 Annex B (column 1, lines 51-64).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the digital receiving means taught by Liu to the television receiver disclosed by Kitamura. The motivation would have been to create a television capable of being sold in the both the United States and Europe that could receive digital television signals (Liu: column 1, lines 65-67; column 2, lines 1-3).

3. Claims 8, 9, 10, and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura in view of Liu in view of Ozkan as applied to claim 1 above, and further in view of Hessel.

Referring to claim 8, Kitamura and Liu do not disclose a test meter of Claim 1, wherein said user interface is operative to allow a user to select one digital modulation decoding scheme from the plurality of digital demodulation decoding schemes.

Hessel discloses a test meter of Claim 1, wherein said user interface is operative to allow a user to select one digital modulation decoding scheme from the plurality of digital demodulation decoding schemes (column 4, lines 38-46).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the user selectable demodulation schemes taught by Hessel to the system disclosed by Emsley and Schmidt. The motivation would have been to enable a user to decode a plurality of different digital standards using a single device.

Claims 10 and 16 are rejected on the same grounds as claims 1 and 8.

Claim 12 is rejected on the same grounds as claim 1.

Claim 13 is rejected on the same grounds as claim 3.

Claims 14 and 17 are rejected on the same grounds as claim 5.

Referring to claim 9, Kitamura does not disclose a test meter of Claim 8, wherein the plurality of digital demodulation decoding schemes includes QAM and QAM variants.

Liu discloses a test meter of Claim 8, wherein the plurality of digital demodulation decoding schemes includes QAM and QAM variants (column 5, lines 3-7).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the QAM variant decoding taught by Liu to the system disclosed by Kitamura. The motivation would have been to enable the system to be able to work with the most possible systems without addition modifications.

Claims 15 and 18 are rejected on the same grounds as claim 9.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/  
Supervisory Patent Examiner, Art  
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